



"I will stand for my client's rights.
I am a trial lawyer."
—Ron Motley (1944–2013)

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October 12, 2021

VIA ECF

The Honorable Sarah Netburn
Thurgood Marshall United States Courthouse
40 Foley Square, Room 430
New York, NY 10007

Re: *In re Terrorist Attacks on Sept. 11, 2001*, Case No. 03 MDL 1570 (GBD)(SN)
Burnett, et al. v. Islamic Rep. of Iran, et al., Case No. 15-cv-9903 (GBD)(SN)
Response to Court's October 8, 2021 Order (ECF No. 7249)

Dear Judge Netburn:

I write on behalf of the Plaintiffs in the *Burnett* case identified above in response to the Court's Order dated October 8, 2021. *See* ECF No. 7249. On July 15, 2021, plaintiffs filed their twenty-fourth motion for partial final default judgments for solatium, compensatory damages, and economic damages arising from deaths that occurred on September 11, 2001. *See* ECF No. 6951. The Court seeks clarification that the following individuals are plaintiffs before this Court in the *Burnett* case: Denise Eileen McDonald, Kathleen Elizabeth Comer, Paolo Pesce, and Christopher Barnes Reinig. Each of these individuals was named in the Amended Complaint in this case either under a pseudonym or under an alias.

Plaintiffs filed a motion on June 29, 2021 seeking to substitute "DENISE EILEEN MCDONALD, individually as the Spouse and as the Personal Representative of the Estate of Joseph Paul McDonald, Deceased and on behalf of all beneficiaries of Joseph Paul McDonald" in paragraph 3069 of Plaintiffs' Amended Complaint in the place of "Spouse DOE AP290 as Personal Representative of the Estate of DOE AP290, Deceased and on behalf of all beneficiaries of DOE AP290, Deceased." *See* ECF No. 6888. This motion was granted by the Court by Order dated July 1, 2021. *See* ECF No. 6904. Ms. McDonald was added as a party to the pleading in this case in the ECF system pursuant to the July 1, 2021 Order on October 12, 2021.

Kathleen Elizabeth Comer was identified in the Amended Complaint as "CHILD DOE AP135 in their own right as the Child of DOE AP135, Deceased" in the caption and paragraph 188 of the Amended Complaint reads, "Doe AP135 is a surviving Child of Decedent Doe AP135, one of the Decedents murdered as a result of the terrorist attacks of September 11, 2001." *See* ECF



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No. 53 (15-cv-9903) at ¶188. Ms. Comer has now permitted counsel to substitute her real identity in both this case and in the companion case *Burnett, et al. v. Al Baraka Inv. and Dev. Corp., et al.*, Case No. 03-cv-9849 (GBD)(SN). A motion to substitute party is being filed contemporaneously with this letter.

Paolo Pesce is identified in the Amended Complaint as “PAUL PESCE, as Personal Representative of the Estate of Danny Pesce, Deceased and on behalf of all beneficiaries of Danny Pesce” in the caption and paragraph 539 of the Amended Complaint reads, “Paul Pesce is a surviving Parent and Personal Representative of Danny Pesce, one of the Decedents murdered as a result of the terrorist attacks of September 11, 2001....” See ECF No. 53 (15-cv-9903) at ¶539. Furthermore, Paul Pesce (which is another name by which Paolo Pesce has been known) is included in the Court’s CM/ECF system as a plaintiff in this case.

Finally, Christopher Barnes Reinig was identified in the Amended Complaint as “CHILD DOE AP50 in their own right as the Child of DOE AP50, Deceased” in the caption and paragraph 212 of the Amended Complaint reads, “Doe AP50 is a surviving Child of Decedent Doe AP50, one of the Decedents murdered as a result of the terrorist attacks of September 11, 2001....” See ECF No. 53 (15-cv-9903) at ¶212. Mr. Reinig has now permitted counsel to substitute his real identify in both this case and in the companion case *Burnett, et al. v. Al Baraka Inv. and Dev. Corp., et al.*, Case No. 03-cv-9849 (GBD)(SN). A motion to substitute party is being filed contemporaneously with this letter.

Should the Court have any additional concerns or questions regarding the pending twenty-fourth motion for partial final default judgments for solatium, compensatory damages, and economic damages arising from deaths that occurred on September 11, 2001, undersigned counsel is prepared to provide all necessary responses.

Respectfully submitted,

John M. Eubanks

JME/eg